

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMPARO LINARES ALCIBIADE,)
Petitioner,)
v.) Case No. 1:22-CV-90
WARDEN TRATE,)
Respondent.)

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on March 11, 2022. The matter was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Petitioner makes a due process challenge to disciplinary proceedings undertaken against him while incarcerated at FCI McKean. The challenge is limited to his initial appearance before a UDC officer.

On June 29, 2023, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that the petition be dismissed. ECF No. 14. No Objections were filed.

“If a party objects timely to a magistrate judge's report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’” *EEOC v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) quoting 28 U.S.C. § 636(b)(1). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—

the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the petition and other filings in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 19th day of July 2023;

IT IS ORDERED that the petition for writ of habeas corpus be dismissed. The Clerk is directed to close this case.

AND, IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on June 29, 2023 [ECF No. 14] is adopted as the opinion of the court.



SUSAN PARADISE BAXTER
United States District Judge